



ELECTION NEWS

A special informational bulletin
on the implementation of
Michigan election law.

Michigan Department of State - Terri Lynn Land, Secretary of State

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Military/Overseas Voting Procedures Modified

PA 605 of 2006 (HB 4481), signed into law with immediate effect on January 3, 2007, amends Michigan election law to effect the following changes in Michigan's military/overseas voting procedures:

Affidavit requirement eliminated: The new legislation eliminates the affidavit requirement imposed on civilian voters residing outside of the United States who wish to obtain an absent voter ballot for an upcoming election. Given this change, there is no longer any need for overseas absent voter ballot applicants to submit any type of sworn affidavit or have their absent voter ballot requests notarized.

Requires clerks to honor military/overseas absent voter ballot requests for all elections held through the end of the calendar year: The new legislation stipulates that an absent voter ballot request sent to a city, township or village clerk by a uniformed services voter who is outside of the United States or a civilian voter who is outside of the United States must be honored for every election conducted in the applicant's city of residence or township and village of residence (if any) through the balance of the calendar year – including all school district elections.

The new legislation further stipulates that city, township and village clerks must notify one another as appropriate to implement the new requirement. Thus:

- 1) A city or township clerk who receives an absent voter ballot request from a uniformed services voter who is outside of the United States or a civilian voter who is outside of the United States is now required to “transmit to a village clerk and school district election coordinator, where applicable, the necessary information to enable the village clerk and school district election coordinator to forward an absent voter ballot for each applicable election in that calendar year.”
- 2) A village clerk who receives an absent voter ballot request from a uniformed services voter who is outside of the United States or a civilian who is outside of the United States is now required to transmit to the township clerk, where applicable, the necessary information to enable the township clerk to forward an absent voter ballot for each applicable election in that calendar year.”

Here, it merits note that in addition to the above new requirements, federal law stipulates that an absent voter ballot request submitted by a uniformed services voter who is outside of the United States or a civilian voter who is outside of the United States must be honored for every federal election conducted in the applicant’s jurisdiction of residence “through the next 2 regularly scheduled general elections for Federal office”

County/Local Ballot Language Certification Deadline and County/Local Proposal Petition Filing Deadline Standardized for All Elections

PA 647 of 2006 (HB 5704), signed into law on January 4, 2007, amends Michigan election law to stipulate that in any instance where a county or local proposal has qualified for placement on the ballot, the ballot wording of the proposal must be certified to the county or local clerk responsible for printing the ballots at least 70 days before the date of the election. The amendment further stipulates that petitions circulated to place a county or local proposal on the ballot must be filed no later than the 84th day before the date of the election. (Note: As in the past, if governing law sets an earlier petition filing deadline, the earlier deadline must be observed.)

Prior to the amendment, the deadline for certifying the ballot wording of county/local proposals and the county/local proposal petition filing deadline depended on the type of election which was involved: if a state or federal office did not appear on the ballot, the deadline for certifying the ballot wording of county/local proposals fell on the 60th day before the election and the county/local proposal petition filing deadline fell on the 74th day before the election; in an instance where a state or federal office appeared on the ballot, the deadline for certifying the ballot wording of county/local proposals fell on the 70th day before the election and the county/local proposal petition filing deadline fell on the 84th day before the election. In effect, the amendment standardizes the state/federal election deadlines for all elections.

The deadline changes go into effect on May 14, 2007. Consequently, the deadline changes do not affect the upcoming February 27, 2007 election or May 8, 2007 election. The deadline changes will, on the other hand, impact the upcoming September 11 city primary/village election and all subsequent elections.

Declaration of Intent Filing Deadline Moved to Second Friday Before Election

Effective March 30, 2007, write-in candidates must file their Declaration of Intent forms no later than 4:00 p.m. on the second Friday before the election as opposed to 4:00 p.m. on the first Friday before the election.

PA 87 of 2006 (SB 462), signed into law on April 2, 2006, amends Michigan election law to move the Declaration of Intent filing deadline to 4:00 p.m. on the second Friday before the election. (The deadline currently elapses at 4:00 p.m. on the first Friday before the election.) The filing deadline change is effective March 30, 2007. Several important notes:

- Given the March 30, 2007 effective date of the Declaration of Intent filing deadline change, the change does not affect the February 27 election. The change will, however, affect the May 8 election and all subsequent elections.
- The new Declaration of Intent filing deadline does not apply to precinct delegate candidates. As a result, individuals who wish to seek a precinct delegate position with write-in votes can still file a Declaration of Intent as late as 4:00 p.m. on the Friday immediately preceding the election or can file the form with his/her precinct board on the date of the election. (Precinct delegate positions are filled at the even-year statewide August primary.)
- The amendment does not alter the waiver which is invoked in the event of the death of a candidate on the ballot. As before, if a candidate who appears on the ballot dies or is disqualified on or after the Wednesday immediately preceding the election, all write-in votes count – including those cast for individuals who did not file a Declaration of Intent form.

Date Calendars for February 27 Election, May 8 Election, September 11 Village Election and November 6 City Election Available

Date calendars prepared for the February 27 election, May 8 election, September 11 village election and November 6 city election can be accessed through the Department of State's website <www.michigan.gov/sos>. To locate the date calendars, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

All of the above referenced election date calendars reflect the legislative changes detailed earlier in this newsletter when and where appropriate.

All School District "Election Coordinating Committees" Must Meet This Month: A Reminder

All school district "election coordinating committees" must meet no later than January 31, 2007 to review the report the committee initially filed with the Secretary of State in 2005.

Michigan election law, MCL 168.305(1), required all school district "election coordinating committees" to file a report with the Secretary of State in early 2005 which set forth the arrangements made by the members of the committee for the conduct of the school district's elections.

Michigan election law, MCL 168.305(2), provides the following:

“After filing its initial report under subsection (1), a school district election coordinating committee shall meet at 2-year intervals to review and, if necessary, alter the election arrangements set forth in its previous report. After each review, a school district election coordinating committee shall either notify the Secretary of State in writing that its previous report is not being altered or file with the Secretary of State a report with the alterations. Election arrangements made by the clerks of the jurisdictions participating in the school district election coordinating committee meeting are binding on the participating jurisdictions for at least 2 years after the report is filed, and each jurisdiction continues to be bound until an altered report is filed.”

Given the above, all school district “election coordinating committees” must meet no later than January 31, 2007 to review the report the committee initially filed with the Secretary of State in 2005. Within 14 days after the meeting is convened, the committee must 1) notify the Secretary of State in writing that the committee’s previous report is not being altered or 2) file with the Secretary of State a revised report which reflects the committee’s desired alterations.

It merits emphasis that the above referenced report must be submitted for every local school district, intermediate school district and community college district in the state. This includes intermediate school districts that elect their board members at meetings as opposed to popular elections. (While the “consolidated elections” legislation did not change the meeting process most intermediate school districts use to elect their board members, the district’s “election coordinating committee” must meet to review the arrangements made for the conduct of the district’s special elections.)

Any and all meetings held by “election coordinating committees” are subject to the Open Meetings Act and must be publicly posted as required under the Act.

Additional information regarding the conduct of the January 2007 “Election Coordinating Committee” meetings – including a suggested report template – can be found in Issue No. 42 of *Election News*.

Have a Question or Need Assistance?

If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State’s Bureau of Elections. We will be happy to assist in any way possible!

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